

MANDATE

N.Y.S.D. Case #
09-cv-8011(KBF)

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of August, two thousand thirteen.

Before: Rosemary S. Pooler,
Circuit Judge.

Barton Boothe,

Appellant,

v.

Direxion Shares ETF Trust, Daniel O'Neill,
Daniel J. Byrne, Gerald E. Shanley, III,
John Weisser, Rafferty Asset Management, LLC,

Defendants - Appellees.

ORDER

Docket No. 12-725

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: September 10, 2013

Appellant moves to dismiss the appeal, as moot.

IT IS HEREBY ORDERED that the motion is GRANTED.

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




MANDATE ISSUED ON 09/10/2013